

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Chris Nelson,

Case No. 21-cv-2761 (SRN/TNL)

Petitioner,

v.

REPORT & RECOMMENDATION

Commissioner of Corrections,

Respondent.

On December 29, 2021, the Clerk of this Court sent Petitioner Chris Nelson a letter (1) stating that the Court had not received from Nelson either this action’s filing fee or an application to proceed *in forma pauperis* (“IFP”); (2) enclosing a copy of this District’s template IFP application; and (3) warning Nelson that if the Court did “not receive [his] filing fee or [IFP application]” within 15 days—that is, by January 13, 2022, “[his] case could be summarily dismissed without prejudice.” Letter, ECF No. 2. That deadline has now passed, and Nelson has not submitted a filing fee or IFP application. (In fact, Nelson has not communicated with the Court about this case at all since commencing it). Accordingly, this Court now recommends dismissing this action without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute. *See, e.g., Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein,
IT IS HEREBY RECOMMENDED that this action be **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Date: February 3, 2022

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

Nelson v. Commissioner of Corrections
Case No. 21-cv-2761 (SRN/TNL)

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).